

UNITED STATES TAX COURT
WASHINGTON, DC 20217

CMS

OSVALDO BRITEZ,)	
)	
Petitioner,)	
)	
v.)	Docket No. 8335-13.
)	
COMMISSIONER OF INTERNAL REVENUE,)	
)	
Respondent)	

ORDER

Pursuant to the opinion of the Court as set forth in the pages of the transcript of the proceedings before Judge David Gustafson at Washington, D.C., on April 18, 2014, containing his oral findings of fact and opinion, it is

ORDERED that the Clerk of the Court shall transmit herewith to petitioner and to respondent a copy of the pages of the transcript of the trial in the above case before Judge Gustafson at Washington, D.C., containing his oral findings of fact and opinion rendered at the trial session at which the case was heard.

In accordance with the oral findings of fact and opinion, decision will be entered under Rule 155.

(Signed) David Gustafson
Judge

Dated: Washington, D.C.
April 29, 2014

SERVED Apr 30 2014

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1 Bench Opinion by Judge David Gustafson

2 April 1⁸, 2014

3 Osvaldo Britez v. Commissioner

4 Docket No. 8335-13

5 THE COURT: The Court has decided to render the
6 following as its oral Findings of Fact and Opinion in
7 this case. This Bench Opinion is made pursuant to
8 the authority granted by section 7459(b) of the
9 Internal Revenue Code, and Tax Court Rule 152; and it
10 shall not be relied on as precedent in any other
11 case.

12 By a notice of deficiency dated January 17, 2013
13 (Ex. 1-J), respondent determined a deficiency in the
14 Federal income tax of petitioner Osvaldo Britez for
15 the year 2009, plus an accuracy-related penalty under
16 section 6662(a). The issues to be decided are:
17 whether petitioner received income that he failed to
18 report (we hold that he did); if so, whether he is
19 entitled to deductions from that income (we hold that
20 he is); and whether he is liable for the penalty (we
21 hold that he is).

22 Trial of this case was conducted on April 17,
23 2014, in Washington, D.C. Petitioner represented
24 himself, and respondent was represented by Adam
25 Sweet.

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FINDINGS OF FACT

Bank accounts

Mr. Osvaldo Britez had two Citibank accounts:

One was a personal checking account (ending -8611)

over which he had joint control with his brother

Carlos, who lived in Paraguay. (Stip. 9.) The other

(ending -2820) was in the name "Osvaldo Britez DBA

Britez Brother's" ("the DBA account"). (Stip. 11.)

Mr. Britez's car activity

During 2009 Osvaldo conducted with Carlos a

business activity that consisted of purchasing cars

and car parts in the U.S. and shipping them to

Paraguay. To conduct this activity, the brothers

used a Citibank account that was in the name "Osvaldo

Britez DBA Britez Brother's". We find that in

performing this activity, Osvaldo was not a mere

"bridge" (as he put it) or facilitator for his

brother but was himself a principal in this activity.

Carlos used the Internet to identify cars to be

purchased, negotiated the prices, and instructed

Osvaldo to make the purchases. Osvaldo did so, often

with cash, and hired a shipper to load the car into a

container in the Port of Baltimore, from which it was

shipped. When parts were needed, Osvaldo purchased

them and placed them inside the car before it was

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1 shipped. (Occasionally, a non-car item such as a
2 telephone or guitar was purchased for shipment to
3 Paraguay and was placed inside a car.)

4 To finance this activity, Carlos sent wire
5 transfers totaling \$584,900 to the DBA account.
6 Osvaldo made expenditures totaling \$549,799 that
7 related to the car activity. The excess of the wire
8 transfers over these expenditures was \$35,101. (See
9 "accepted" and "not accepted" amounts from Ex. 10-R,
10 excluding a \$5,200 purchase in 2010.)

11 On two occasions a shipped item was lost or
12 damaged, and an insurance company issued a check to
13 reimburse the loss. Osvaldo made deposits of such
14 checks on March 16 (\$190.20) and October 14
15 (\$294.34).

16 Osvaldo had to replace the transmission in a car
17 that was to be shipped to Paraguay. He was
18 nonetheless able to sell the old transmission for
19 \$425 and deposited the proceeds on December 14.

20 On November 24, \$2,700 was deposited into
21 Osvaldo's account for the sale of a vehicle he owned
22 in Paraguay. Our record includes no evidence about
23 the cost he incurred to acquire this vehicle.

24 We hold that the foregoing amounts were taxable
25 income to Osvaldo. Redeposited amounts, however, are

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1 not. Because Osvaldo often had to use cash to
2 purchase cars, he sometimes found himself with excess
3 cash on hand that he preferred to re-deposit. Such
4 re-deposits occurred on March 9 (\$250), July 2
5 (\$1,000), September 2 (\$880), October 7 (\$2,000), and
6 December 8 (\$300).

7 Mr. Britez's painting activity

8 In 2009 Mr. Britez also engaged in the business
9 of painting exteriors and interiors of houses. On
10 his tax return he reported some of the income from
11 this business, but he evidently did not report the
12 following amounts that also are taxable income from
13 that business:

14 On two occasions, Mr. Britez deposited amounts
15 that he had received from customers, which he
16 characterized as "tips" or "gifts" and did not treat
17 as taxable income: January 27 (\$155) and April 15
18 (\$145).

19 On December 16, 2009, Mr. Britez's aunt paid him
20 \$1,650 for a job that he did not perform until 2010.
21 He treated this amount as an "advance" and did not
22 report it as 2009 income. However, as an individual
23 he is a cash-basis taxpayer, and our record includes
24 no evidence that he held this amount in trust.

25 In several instances Mr. Britez's painting jobs

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1 were part of a renovation in which the owner intended
2 to replace -- and was willing to give to Mr. Britez
3 -- a functioning household appliance that was
4 ^{able} ~~preference~~ to Osvaldo's own existing appliance. In D7
5 those cases, Mr. Britez took the preferable
6 appliance, installed it at his house, and sold his
7 old appliance and deposited the proceeds -- his
8 dishwasher for \$120 and on May 22, his refrigerator
9 for \$355 on June 12, and his washer and dryer on
10 September 14 for \$250. (Theoretically Mr. Britez
11 realized income not upon sale of his old appliance in
12 the amount of its sale price but upon receipt of the
13 "new" one in the amount of its value, which might be
14 higher; but the IRS did not raise this point, so in
15 Mr. Britez's favor we take the sale price as the
16 relevant number.)

17 Mr. Britez occasionally sold assets that he had
18 acquired and used in his painting business and then
19 deposited the proceeds -- on March 5, \$220 for a nail
20 gun; and on May 29, \$880 for a power washer.

21 Other nontaxable financial activity

22 Mr. Britez occasionally sold items that he had
23 bought and used personally and not for his business,
24 and deposited the proceeds: on March 3, \$350 for a
25 television; on April 7, \$740 from a yard sale; on

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1 May 6, \$420 for a playground set; on May 19, \$1,760
2 for an industrial lawn mower (acquired from a friend
3 as repayment of a prior loan by Mr. Britez); on
4 October 13, \$230 for a chain saw; and on December 16,
5 \$820 for a hot tub. These assets were sold used and
6 were therefore surely sold for less than their
7 purchase prices; and because they are personal, their
8 cost basis could not have been reduced by
9 depreciation.

10 Mr. Britez deposited gifts of \$450 on January 5
11 from his mother and of \$1,500 on October 13 from his
12 aunt.

13 On occasion Mr. Britez helped a friend who
14 wanted to send money to someone else in Paraguay. He
15 deposited the friend's cash into the joint personal
16 checking account and told his brother Carlos to
17 withdraw the money from a Citibank ATM in Paraguay
18 and give the cash to the intended recipient. Such
19 deposits were made on February 17 (\$350) and
20 December 23 (\$190).

21 On occasion Mr. Britez borrowed money from
22 friends and deposited it into one of his accounts.
23 This occurred on February 3 (\$400 from Lisa Avalos),
24 March 23 (\$500 from his girlfriend Roxanna), March 31
25 (\$1,200 from Roxanna), May 11 (\$1,600 from his

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1 mother), and September 18 (\$1,700 from Francis
2 Cavanaugh).

3 On March 23 Mr. Britez deposited \$280 that
4 consisted of payments friends had made to him to
5 reimburse the cost he had incurred to buy soccer
6 shirts for their team.

7 On June 15 Mr. Britez deposited \$425 paid to him
8 for damage to his personal vehicle.

9 Other taxable financial activity

10 As for the other deposits made to the accounts,
11 our record lacks sufficient credible evidence to
12 enable us to identify them as consisting of gifts,
13 deposits for friends, loans from friends, repayments
14 of loans, or other nontaxable amounts. Rather, they
15 are taxable, and they include the following:

16 On August 31 Mr. Britez deposited \$2,000 that he
17 received as proceeds of a sale of some of his land in
18 Paraguay.

19 On June 29 Mr. Britez deposited \$340 that
20 someone paid to use Osvaldo's shed for storage for 3
21 months.

22 On January 26 Mr. Britez sold for \$400 an
23 antique picture that he had received as a gift from
24 his grandmother. The record does not show the cost
25 (if any) that his grandmother incurred to acquire

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1 this picture.

2 Record-keeping

3 Mr. Britez did not keep orderly books and
4 records for the car activity, for his painting
5 business, or for his personal finances. He did keep
6 copies of many receipts and invoices, but he did not
7 maintain any ledger. His only means to learn the
8 total amounts of his expenditures (or categories of
9 them) was to manually add up amounts from piles of
10 receipts. (Ex. 15-P).

11 Tax returns and audit

12 Mr. Britez filed a Federal income tax return for
13 the year 2009. (Ex. 2-J.) To that return he
14 attached a Schedule C for "Painter services" but did
15 not report anything with respect to the car activity.
16 The IRS commenced an examination of his return. The
17 IRS obtained monthly statements for Mr. Britez's
18 accounts, performed an analysis of the deposits that
19 were made into those accounts for the years at issue,
20 and determined that the wire transfers from Paraguay
21 and many of the other deposits were taxable income
22 that Mr. Britez had not reported. (Ex. 5-R.) On
23 January 17, 2013, the IRS issued its notice of
24 deficiency.

25 Court proceedings

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1 Mr. Britez timely filed his petition on
2 April 15, 2013. At that time he resided in Virginia.
3 (Stip. 1.) Before trial Mr. Britez presented to the
4 IRS documents showing expenditures he had made in the
5 car activity. The IRS accepted some but disputed
6 others and set out their position on Exhibit 10-R.
7 Mr. Britez annotated a copy of the IRS's bank deposit
8 analysis to show his disagreements with it and
9 offered it as Exhibits 11-P and 12-P.

10 OPINION

11 The IRS's determination is presumed correct, and
12 the taxpayer bears the burden to prove any adjustment
13 to the income the IRS determined and to prove his
14 entitlement to any deductions he claims. Rule
15 142(a); Welch v. Helvering, 290 U.S. 111, 115 (1933).

16 I. Car activity

17 We hold that Mr. Britez was a principal, and not
18 merely an agent, of the car activity. He was the
19 owner of the bank account used by the activity, and
20 from that account he paid his personal expenses. He
21 thus used the account as his personal fund. Although
22 he alleged generally that he paid back into the
23 account all the amounts that he had "borrowed" from
24 it, he did not show such repayments, and he kept no
25 records that would have enabled him to keep track of

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1 what he owed. It is true that someone might perform
2 tasks for a family member as a favor and not for
3 payment; but Mr. Britez's own involvement in the car
4 activity was so substantial and so sustained that it
5 is far more likely that his work is explained by his
6 expectation of compensation -- which he evidently
7 received from his use of the account.

8 Since the gross income of the car activity is
9 undisputed -- i.e., the wire transfers from Paraguay
10 totaling \$584,900 -- it was incumbent on Mr. Britez
11 to show expenditures that might be deducted from that
12 gross income, and to a great extent he did so. We
13 found that he made expenditures totaling \$549,799,
14 leaving a net profit of \$35,101. The IRS would
15 disallow about \$150,000 more of those expenses as
16 insufficiently substantiated (either as to the fact
17 of the payments or as to their relation to the car
18 activity); but we hold that Mr. Britez's documents in
19 conjunction with his testimony persuade us and do
20 carry his burden of proof.

21 To that net profit can be added several items
22 from the bank deposit analysis (discussed below) that
23 we found to be taxable proceeds related to the car
24 activity -- i.e., (1) insurance company
25 reimbursements on March 16 (\$190.20) and October 14

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1 (\$294.34); (2) proceeds from the sale of an old
2 transmission (\$425) deposited on December 14; and (3)
3 proceeds of \$2,700 from the sale of a vehicle in
4 Paraguay on November 24. (If they are characterized
5 as car activity income, then of course they should
6 not be double-counted below.)

7 II. Bank deposit income

8 The taxpayer bears the responsibility to
9 maintain books and records that are sufficient to
10 establish his income. See sec. 6001; 26 C.F.R. sec.
11 1.446-1(a)(4). Mr. Britez did not do so. When a
12 taxpayer fails to keep adequate books and records,
13 the Commissioner is authorized by section 446 to
14 determine the existence and amount of the taxpayer's
15 income by any method that clearly reflects income.
16 See Holland v. United States, 348 U.S. 121, 130-132
17 (1954). A bank deposit is prima facie evidence of
18 income, and a bank deposits analysis is a method of
19 income reconstruction that this Court has long
20 accepted. Tokarski v. Commissioner, 87 T.C. 74, 77
21 (1986). When a taxpayer keeps inadequate or
22 incomplete books or records and has large bank
23 deposits, the IRS is not acting arbitrarily or
24 capriciously by resorting to the bank deposits
25 method. See DiLeo v. Commissioner, 96 T.C. 858, 867-

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1 868 (1991) ⁵ aff'd, 959 F.2d 16 (2d Cir. 1992). DS

2 The bank deposits method of reconstruction
3 assumes that all of the money deposited into a
4 taxpayer's account is taxable income unless the
5 taxpayer can show that the deposits are not taxable.
6 The IRS need not show a likely source of the income
7 when using the bank deposits method, but the IRS must
8 take into account any nontaxable items or deductible
9 expenses of which the IRS has knowledge. See Price
10 v. United States, 335 F.2d 671, 677 (5th Cir. 1964).

11 At trial Mr. Britez claimed that certain
12 deposits were nontaxable amounts. He summarized his
13 contentions on Exhibits 11-P and 12-P, which are his
14 mark-ups of the IRS's bank deposit analysis, with his
15 annotations that he elaborated on at trial. To the
16 extent explained above in the findings, we accept his
17 explanations and hold those amounts to be nontaxable.
18 To facilitate the parties' understanding of this
19 opinion and their recomputation under Rule 155, we
20 have made our own annotation of Mr. Britez's mark-up
21 and will attach it to the transcript of this opinion
22 as Exhibit 16-C. Amounts that the IRS originally put
23 in the "Schedule C" column that we hold to be
24 nontaxable are stricken in that column, and in the
25 right margin beside them we have added the notation

1 "Nontaxable".

2 Our holding that the other amounts are taxable
3 is the result either of evidence that an amount has
4 an explicitly taxable character or of Mr. Britez's
5 failure to provide adequate evidence to persuade us
6 that it is more likely than not that a given amount
7 came from a nontaxable source. For example, where
8 his testimony is the only support for the contention
9 that an amount is a loan from an unidentified lender,
10 we are not persuaded; or where roughly
11 contemporaneous deposits into the two different
12 accounts (i.e., in early October) are supposedly
13 explained by the same data, we conclude that the
14 explanation can suffice for only one account, and
15 leave the other unexplained and therefore taxable.

16 Apart from wire transfers from Paraguay, the
17 IRS's bank deposit analysis showed total unexplained
18 deposits of \$133,952. When compared to the gross
19 receipts of \$106,190 that Mr. Britez reported on
20 Schedule C, this suggests unreported taxable income
21 of the difference of \$27,762. However, the disputed
22 amounts that we find nontaxable in Mr. Britez's favor
23 total \$17,175, leaving the actual amount of
24 unreported taxable deposits as \$10,587.

25 III. Accuracy-related penalty

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1 Section 6662 imposes an "accuracy-related
2 penalty" of 20 percent of the portion of the
3 underpayment of tax that is attributable to the
4 taxpayer's negligence or disregard of rules or
5 regulations or that is attributable to any
6 substantial understatement of income tax. Negligence
7 includes "any failure by the taxpayer to keep
8 adequate books and records". 26 C.F.R. sec. 1.6662-
9 3(b)(1). That failure by Mr. Britez, especially in
10 conjunction with his wholesale failure to report his
11 income and expenses from the car activity,
12 constituted negligence.

13 Moreover, although the deficiency must now be
14 recalculated under Rule 155, it does appear (and can
15 be confirmed or corrected in that recalculation) that
16 the 2009 understatement will be "substantial" under
17 section 6662(d) -- i.e., it will exceed both \$5,000
18 and 10 percent of the tax that should have been
19 reported. Consequently, the penalty would apparently
20 be applicable even in the absence of negligence.

21 Mr. Britez cannot successfully invoke any of the
22 defenses that a taxpayer might assert against an
23 accuracy-related penalty: He had no "substantial
24 authority" for his position (see sec. 6662(d)(2)(B));
25 he did not disclose on his return (see sec.

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1 6662(d)(2)(B)) the unreported income that gives rise
2 to the liability; and he did not show reasonable
3 cause and good faith for his erroneous reporting (see
4 sec. 6664(c)(1)).

5 So that the liability can be recalculated,
6 decision will be entered pursuant to Rule 155.

7 This concludes the Court's oral Findings of Fact
8 and Opinion in this case.

9 (Whereupon, at 2:18 p.m., the above-
10 entitled matter was concluded.)

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CITIBANK ACCOUNT # 8611
2009 PERSONAL CHECKING
OSVALDO BRIETEZ AND CARLOS P BRIETEZ M

Deposit Date	Deposits	Description	Sch. C	Transfers from Business	Wire Transfers	Refund Other Nontaxable	Total	Comments
12/31/08	540.00	Deposit				540.00	540.00	2008 income
12/18/08	330.00	Deposit				330.00	330.00	2008 income
12/18/08	200.00	Deposit				200.00	200.00	2008 income
12/18/08	154.00	Reverse Debit				154.00	154.00	
12/18/08	44.82	Loan				44.82	44.82	CKing Plus transfer
01/06/09	154.00	Reverse Debit				154.00	154.00	
Total:	1,422.82		0.00	0.00	0.00	1,422.82	1,422.82	

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Exhibit 16-C

Deposit Date	Deposits	Description	Sch. C	Transfers from Business	Wire Transfers	Refund Other Nontaxable	Total	Comments
01/26/09	180.00	Unknown	180.00	X			180.00	1159 Aviles deposit for Feb
Total:	180.00		180.00	0.00	0.00	0.00	180.00	

← NONTAXABLE

Deposit Date	Deposits	Description	Sch. C	Transfers from Business	Wire Transfers	Refund Other Nontaxable	Total	Comments
02/17/09	350.00	Cash loan pay back m	350.00	X			350.00	loan pay back to ME
03/03/09	100.00	Cash		X			100.00	\$100 debit fr bus ck to pay bill; not a redeposit
03/09/09	2,100.00	Unknown	2,100.00				2,100.00	
Total:	2,550.00		2,550.00	0.00	0.00	0.00	2,550.00	

\$2100

← NONTAXABLE

12-2

CITIBANK ACCOUNT # 8611
2009 PERSONAL CHECKING
OSVALDOBRIETZ AND CARLOS P BRIEZ M

04/13/09

Deposit Date	Deposits	Description	Sch. C	Transfers from Business	Wire Transfers	Refund Other Nontaxable	Total	Comments
03/16/09	190.20	Unknown	190.20	X			190.20	INSURE check K Refund
03/18/09	3,468.72	Reverse Debit				3,468.72	3,468.72	
03/23/09	3,468.72	Reverse Debit				3,468.72	3,468.72	
03/23/09	1,000.00	Transfer		1,000.00			1,000.00	verified
03/23/09	2,500.00	Unknown	2,500.00	✓			2,500.00	
03/31/09	1,200.00	Cash 1240	1,200.00	X			1,200.00	Maria Rosa 1000
04/06/09	60.00	Michael Nordfelt	60.00	✓			60.00	
Total:	11,887.64		3,950.20	1,000.00	0.00	6,937.44	11,887.64	

← NONTAXABLE

\$ 2560.20

05/13/09

Deposit Date	Deposits	Description	Sch. C	Transfers from Business	Wire Transfers	Refund Other Nontaxable	Total	Comments
04/15/09	300.00	Transfer		300.00			300.00	verified
04/15/09	3,433.76	Reverse Debit				3,433.76	3,433.76	
04/20/09	3,500.00	Transfer		3,500.00			3,500.00	verified
04/22/09	500.00	Transfer		500.00			500.00	verified
04/23/08	210.00	Suresh Meduri	210.00				210.00	
05/04/09	195.00	Transfer		195.00			195.00	verified
05/13/09	3,000.00	Mary Ann Aslund	3,000.00				3,000.00	
Total:	11,138.76		3,210.00	4,495.00	0.00	3,433.76	11,138.76	

\$ 3210.00

6/11/09

Deposit Date	Deposits	Description	Sch. C	Transfers from Business	Wire Transfers	Refund Other Nontaxable	Total	Comments
05/15/09	1,850.00	Transfer		1,850.00			1,850.00	verified
05/22/08	120.00	Unknown	120.00	X			120.00	My old disc washer sold
05/29/09	880.00	Unknown	880.00	X			880.00	I sold my power washer
Total:	2,850.00		1,000.00	1,850.00	0.00	0.00	2,850.00	

CITIBANK ACCOUNT # 8611
2009 PERSONAL CHECKING
OSVALDO BRIETZ AND CARLOS P BRIETZ M

7/13/09

Deposit Date	Deposits	Description	Sch. C	Transfers from Business	Wire Transfers	Refund Other Nontaxable	Total	Comments
06/18/09	3,433.76	Reverse Debit				3,433.76	3,433.76	
06/19/09	3,300.00	Transfer		3,300.00			3,300.00	verified
06/25/09	400.00	Transfer		400.00			400.00	verified
06/29/09	200.00	Loan				200.00	200.00	Cking Plus overdraft
07/02/09	1,000.00	Cash	1,000.00	X			1,000.00	TP indicates redeposit; however, withdrawal 3:11pm; deposit is 1:22pm
07/03/09	97.00	Unknown	97.00	X			97.00	Personal cash
07/07/09	200.00	Unknown	200.00	X			200.00	TP - From personal
Total:	8,630.76		1,297.00	3,700.00	0.00	3,633.76	8,630.76	

Re Deposit
← NONTAXABLE

8/13/09

Deposit Date	Deposits	Description	Sch. C	Transfers from Business	Wire Transfers	Refund Other Nontaxable	Total	Comments
	0.00							
	0.00		0.00	0.00	0.00	0.00	0.00	

9/14/09

Deposit Date	Deposits	Description	Sch. C	Transfers from Business	Wire Transfers	Refund Other Nontaxable	Total	Comments
08/18/09	2,900.00							
		Unknown	200.00	X			200.00	loan pay back to me
08/18/09		Hillary Renee Lovick	220.00	✓			220.00	from a friend
08/18/09		Elise J Linsey	2,480.00	✓			2,480.00	
08/28/09	1,000.00	Elise J Linsey	1,000.00	✓			1,000.00	
08/31/09	2,000.00	Unknown	2,000.00	X			2,000.00	Sold my property to Co.
09/02/09	880.00	Unknown	880.00	X			880.00	Cash from business
09/14/09	2,500.00	Transfer		2,500.00			2,500.00	verified
Total:	9,280.00		6,780.00	2,500.00	0.00	0.00	9,280.00	

← NONTAXABLE

\$ 3,700

CITIBANK ACCOUNT # [REDACTED] 3611
2009 PERSONAL CHECKING
OSVALDOBRIETZ AND CARLOS P BRIEZ M

10/14/09

Deposit Date	Deposits	Description	Sch. C	Transfers from Business	Wire Transfers	Refund Other Nontaxable	Total	Comments
09/17/09	500.00	BMW Service Refund				500.00	500.00	
09/22/09	165.90	Lowes Refund				165.90	165.90	
10/01/09	3,212.00							
10/01/09		Nina Gradia	1,647.00	✓			1,647.00	
10/01/09		Lauren G Higgins	1,500.00	✓			1,500.00	
10/01/09		E Street LLC	65.00	✓			65.00	LLC Bath
10/05/09	330.00	Unknown	-330.00	X			330.00	
10/07/09	500.00	Unknown	-500.00	X			500.00	
10/09/09	350.00	Unknown	-350.00	X			350.00	
10/13/09	230.00	Unknown	-230.00	X			230.00	
10/14/09	294.34	Unknown	294.34	X	Insured check		294.34	sold my check (S.W.U.) per TP Ck from insur
Total:	5,582.24		4,916.34	0.00	0.00	665.90	5,582.24	

\$ 3212

cash with draw to purd
car on 9/18/09 \$200 B
← NONTAXABLE, did not be
car B money was Re-Depo
10/05/09 \$330 + 10/07/09 \$500
on my Personal ACC

11/15/09

Deposit Date	Deposits	Description	Sch. C	Transfers from Business	Wire Transfers	Refund Other Nontaxable	Total	Comments
10/27/09	99.99	Hogan & Sons Refund				99.99	99.99	
10/27/09	300.00	Loan				300.00	300.00	Cking Plus overdraft
10/28/09	450.00	Transfer		450.00			450.00	verified
11/10/09	2.08	Home Depot Refund				2.08	2.08	
11/13/09	27.15	Advance Auto Refund				27.15	27.15	
Total:	879.22		0.00	450.00	0.00	429.22	879.22	

CITIBANK ACCOUNT # 8611
2009 PERSONAL CHECKING
OSVALDOBRIETZ AND CARLOS P BRIEZ M

2/13/09

Deposit Date	Deposits	Description	Sch. C	Transfers from Business	Wire Transfers	Refund Other Nontaxable	Total	Comments
11/16/09	415.00	Andrew C Ellias	415.00	✓			415.00	
11/16/09	2,000.00	Transfer		2,000.00			2,000.00	verified
11/18/09	2,000.00	Transfer		2,000.00			2,000.00	verified
11/23/09	2,000.00	Transfer		2,000.00			2,000.00	verified
11/30/09	1,400.00	Transfer		1,400.00			1,400.00	verified
12/04/09	1,000.00	Lauren G Higgins	1,000.00	✓			1,000.00	
12/04/09	19.00	Commonwealth VA				19.00	19.00	Refunds
Total:	8,834.00		1,415.00	7,400.00	0.00	19.00	8,834.00	

Totals \$ 1415.00

11/14/10

Deposit Date	Deposits	Description	Sch. C	Transfers from Business	Wire Transfers	Refund Other Nontaxable	Total	Comments
12/14/09	100.00	Loan				100.00	100.00	Cking Plus Overdraft
12/16/09	300.00	Transfer		300.00			300.00	verified
12/23/09	190.00	Unknown	190.00	✓			190.00	15A Avalar deposit for
12/28/09	790.00	Daniel Benjamin	790.00	✓			790.00	
Total:	1,380.00		980.00	300.00	0.00	100.00	1,380.00	

Totals \$ 790

← NONTAXABLE

CITIBANK - ACCOUNT # 2920
2009 BUSINESS CHECKING
OSVALDO BRITZ DBA BRITZ BROTHER'S

in-09

Deposit Date	Deposit Amount	Description	Sch. C	From Personal	Wire Transfers	Refunds Returned Checks	Total	Comments
01/05/09	450.00	Unknown Mother Gift	450.00	X			450.00	Mother Gift
01/14/09	5,000.00	Ruth Ann Hudson	5,000.00				5,000.00	
01/16/09	3,468.72	Reverse Debit				3,468.72	3,468.72	
01/26/09	400.00	Cash Personal	400.00	X			400.00	Sold my antique (picture gallery)
01/26/09	181.34	Reverse Debit				181.34	181.34	
01/27/09	155.00	Unknown	155.00	X			155.00	tip / gift
01/30/09	50.00	Reverse Debit				50.00	50.00	
Total:	9,705.06		6,005.00	0.00	0.00	3,700.06	9,705.06	

← NONTAXABLE

\$ 5000

b-09

Deposit Date	Deposit Amount	Description	Sch. C	From Personal	Wire Transfers	Refunds Returned Checks	Total	Comments
02/03/09	400.00	Unknown	400.00	X			400.00	Use Avalos book
02/17/09	3,468.72	Reverse Debit				3,468.72	3,468.72	
02/19/09	163.00	Reverse Debit				163.00	163.00	
02/20/09	2,100.00	Carlos P. Britz			2,100.00		2,100.00	
02/23/09	3,468.72	Reverse Debit				3,468.72	3,468.72	
02/24/09	2,100.00	Carlos P. Britz			2,100.00		2,100.00	
Total:	11,700.44		400.00	0.00	4,200.00	7,100.44	11,700.44	

← NONTAXABLE

ir-09

Deposit Date	Deposit Amount	Description	Sch. C	From Personal	Wire Transfers	Refunds Returned Checks	Total	Comments
03/03/09	350.00	Unknown	350.00	X			350.00	Sold my old TV pl
03/05/09	220.00	Unknown	220.00	X			220.00	Sold my Framed
03/09/09	250.00	Unknown	250.00	X			250.00	cannot verify redeposit
03/16/09	2,600.00	Mary Oslund	2,600.00	✓			2,600.00	
03/23/09	500.00	Unknown (see note)	500.00	X			500.00	NOVILON FORM
03/23/09	-280.00	Unknown	280.00	X			280.00	MONEY FROM SOCI
03/25/09	1,500.00	Donald Levering Jr.	1,500.00	✓			1,500.00	
03/31/09	1,130.00	Donald Levering, Jr.	1,130.00	✓			1,130.00	
Total:	6,830.00		6,830.00	0.00	0.00	0.00	6,830.00	

← NONTAXABLE

← NONTAXABLE

← NONTAXABLE

← NONTAXABLE

← NONTAXABLE

← NONTAXABLE

← NONTAXABLE

← NONTAXABLE

← NONTAXABLE

← NONTAXABLE

\$ 5230

11 12

CITIBANK - ACCOUNT # XXXX 2920
2009 BUSINESS CHECKING
OSVALDO BRITEZ DBA BRITEZ BROTHER'S

pr-09

Deposit Date	Deposit Amount	Description	Sch. C	From Personal	Wire Transfers	Refunds Returned Checks	Total	Comments
04/06/09	4,854.50	Lauren G Higgins	4,854.50	✓			4,854.50	
04/06/09	120.00	Unknown <i>Personal Cash</i>	120.00	X			120.00	cash redep-not verified
04/07/09	740.00	Cash	740.00	X			740.00	Yard sell money
04/15/09	2,427.25	Lauren G Higgins	2,427.25	✓			2,427.25	
04/15/09	145.00	Unknown	145.00	X			145.00	GIFT / TIP FROM customer
04/15/09	106.05	Debit Card Refund				106.05	106.05	
04/16/09	3,000.00	Unknown	3,000.00	✓			3,000.00	
04/20/09	3,010.00	Unknown	3,010.00	✓			3,010.00	
04/20/09	1,000.00	Jacquelyn Bendall	1,000.00	✓			1,000.00	
04/28/09	4,585.00							
04/28/09		Lauren G Higgins	350.00	✓			350.00	
04/28/09		Kenneth Gradia	2,035.00	✓			2,035.00	
04/28/09		Elise J Lindsey	2,200.00	✓			2,200.00	
Total:	19,987.80		19,881.75	0.00	0.00	106.05	19,987.80	

18,076.75

ay-09

Deposit Date	Deposit Amount	Description	Sch. C	From Personal	Wire Transfers	Refunds Returned Checks	Total	Comments
05/04/09	913.94	Unknown	913.94				913.94	
05/06/09	420.00	Unknown	420.00	X			420.00	House Play Ground
05/11/09	1,600.00	Unknown <i>Mother loan</i>	1,600.00	X			1,600.00	Mother loan
05/13/09	4,180.00	Unknown	4,180.00				4,180.00	
05/15/09	1,000.00	Transfer		1,000.00			1,000.00	verified
05/19/09	1,760.00	Unknown <i>dash deposit</i>	1,760.00	X			1,760.00	Sold My Industr
05/19/09	25.11	Home Depot Refund				25.11	25.11	
05/22/09	1,430.00	Unknown	1,430.00				1,430.00	
05/22/09	47.02	Auto Parts Refund				47.02	47.02	
05/26/09	0.17	Paypal				0.17	0.17	Set up account
05/26/09	0.05	Paypal				0.05	0.05	Set up account
05/27/09	97.23	Auto Parts Refund				97.23	97.23	
05/27/09	35.19	Roff Center Inc. Refund				35.19	35.19	
Total:	11,508.71		10,303.94	1,000.00	0.00	204.77	11,508.71	

\$ 6,523.94

Woke with House

← NONTAXABLE
← NONTAXABLE

← NONTAXABLE + (Toro)

CITIBANK - ACCOUNT # 920
2009 BUSINESS CHECKING
OSVALDO BRITEZ DBA BRITEZ BROTHER'S

n-09

Deposit Date	Deposit Amount	Description	Sch. C	From Personal	Wire Transfers	Refunds Returned Checks	Total	Comments
06/01/09	1,090.00							
06/01/09		Lauren G Higgin	400.00	✓			400.00	
06/01/09		Elizabeth M Barnett	690.00	✓			690.00	
06/04/09	87.02	Home Depot Refund				87.02	87.02	
06/08/09	1,362.02	Kenneth Gradia	1,362.02	✓			1,362.02	
06/12/09	355.00	Unknown	355.00	X			355.00	
06/15/09	1,980.00	Howard Jesse Smith	1,980.00				1,980.00	
06/15/09	425.00	Unknown	425.00	X			425.00	
06/17/09	25.04	Monarch Paint Refund				25.04	25.04	
06/19/09	4,635.00							
06/19/09		Rudolph Uitz, Jr.	1,360.00	✓			1,360.00	
06/19/09		Kenneth Gradia	3,000.00	✓			3,000.00	
06/19/09		Mary Ann Oslund	275.00	✓			275.00	
06/19/09	32.65	Home Depot Refund				32.65	32.65	
06/22/09	2,000.00	Carlos P Britez			2,000.00		2,000.00	
06/22/09	35.27	Hern Motors refund				35.27	35.27	
06/25/09	2,020.00							
06/25/09		Melissa Maxfield	650.00	✓			650.00	
06/25/09		Kristen m Armstrong	1,370.00	✓			1,370.00	
06/29/09	340.00	Unknown	340.00	X			340.00	
Total:	14,387.00		12,207.02	0.00	2,000.00	179.98	14,387.00	

I sold my Refrig.ator

← NONTAXABLE - Refund

MyTru

(5th) My shed storage Rental For 3 Mon

n-09 \$ 11,087.02

Deposit Date	Deposit Amount	Description	Sch. C	From Personal	Wire Transfers	Refunds Returned Checks	Total	Comments
07/01/09	1,253.00	Return Check				1,253.00	1,253.00	
07/01/09	775.00	Melissa Maxfield	775.00	✓			775.00	
07/03/09	2,000.00	Henrike Frownein	2,000.00	✓			2,000.00	
07/07/09	7,535.80							
07/07/09		Kenneth Gradia	5,855.80	✓			5,855.80	
07/07/09		Steven J. Law	1,100.00	✓			1,100.00	
07/07/09		Dennis M McGrann	580.00	✓			580.00	
07/09/09	2,100.00	Carlos P Britez			2,100.00		2,100.00	
07/10/09	1,000.00	Elise J. Linsey	1,000.00	✓			1,000.00	
07/13/09	570.00	Duddington Manor Condor	570.00	✓			570.00	
07/24/09	1,930.00							
07/24/09		Susan Scully	1,440.00	✓			1,440.00	
07/24/09		David Bear Carrillo	340.00	✓			340.00	
07/24/09		David Bear Carrillo	150.00	✓			150.00	
Total:	17,163.80		13,810.80	0.00	2,100.00	1,253.00	17,163.80	

CITIBANK - ACCOUNT # 2920
2009 BUSINESS CHECKING
OSVALDO BRITEZ DBA BRITEZ BROTHER'S

1g-09

Deposit Date	Deposit Amount	Description	Sch. C	From Personal	Wire Transfers	Refunds Returned Checks	Total	Comments
08/05/09	25,000.00	Carlos p Britez			25,000.00		25,000.00	
08/06/09	1,325.00	Euan Marshall	1,325.00	✓			1,325.00	
08/12/09	25,000.00	Deposit			25,000.00		25,000.00	
03/31/09	2,400.00	Unknown	2,400.00	✓			2,400.00	
Total:	53,725.00		3,725.00	0.00	50,000.00	0.00	53,725.00	

\$ 3,725

2p-09

Deposit Date	Deposit Amount	Description	Sch. C	From Personal	Wire Transfers	Refunds Returned Checks	Total	Comments
09/02/09	2,525.00	Unknown	2,525.00	✓			2,525.00	
09/04/09	30,000.00	Carlos P Britez			30,000.00		30,000.00	
09/08/09	30,000.00	Carlos P Britez			30,000.00		30,000.00	
09/09/09	29,000.00	Re-Deposited				29,000.00	29,000.00	
09/09/09	409.27	Moore Cadillac Refund				409.27	409.27	
09/11/09	24,750.00	Re-Deposited				24,750.00	24,750.00	
09/14/09	250.00	Unknown	250.00	X			250.00	sold my old washer dryer
09/16/09	15,000.00	Carlos P Britez			15,000.00		15,000.00	
09/18/09	1,700.00	Unknown 1000	1,700.00	X			1,700.00	Francis Calvaugh ← NONTAXABLE
09/24/09	36,000.00	Carlos P Britez			36,000.00		36,000.00	
09/25/09	34,000.00	Carlos P Britez			34,000.00		34,000.00	
09/25/09	2,000.00	Transfer		2,000.00			2,000.00	
Total:	205,634.27		4,475.00	2,000.00	145,000.00	54,159.27	205,634.27	Ck #1236 Veh \$23500

\$ 2,525

ct-09

Deposit Date	Deposit Amount	Description	Sch. C	From Personal	Wire Transfers	Refunds Returned Checks	Total	Comments
10/07/09	2,000.00	Unknown	2,000.00	X			2,000.00	cannot verify transfer
10/09/09	16,000.00	Carlos P Britez			16,000.00		16,000.00	
10/09/09	2,500.00	Unknown	2,500.00	✓			2,500.00	
10/13/09	1,500.00	Unknown	1,500.00	X			1,500.00	Birthday Party B ← NONTAXABLE w/ 8
10/14/09	33,500.00	Re-Deposit				33,500.00	33,500.00	Relative to Travel to Paraguay
10/14/09	150.00	Loudon Auto Part refund				150.00	150.00	
10/23/09	22.83	Rosenthal Nissan refund				22.83	22.83	
10/28/09	2,580.00	Ashleigh M De La Torre	2,580.00	✓			2,580.00	
Total:	58,252.83		8,580.00	0.00	16,000.00	33,672.83	58,252.83	

potential transfer from personal

\$ 5080

personal Account with
9/28/09 \$ 800
9/28/09 \$ 200
← NONTAXABLE
Deposit \$2000
← NONTAXABLE w/ 8
Relative to Travel
to Paraguay

CITIBANK - ACCOUNT # 2920
2009 BUSINESS CHECKING
OSVALDO BRITZ DBA BRITZ BROTHER'S

lov-09

Deposit Date	Deposit Amount	Description	Sch. C	From Personal	Wire Transfers	Refunds Returned Checks	Total	Comments
11/04/09	2,445.00							
11/04/09		Larissa K Fain	525.00	✓			525.00	
11/04/09		Michelle C LaRue	265.00	✓			265.00	
11/04/09		Douglas R Smith	970.00	✓			970.00	
11/04/09		Yvette P Wilde	685.00	✓			685.00	
11/09/09	1,900.00	Michael E Leiter	1,900.00	✓			1,900.00	\$50 cash w/d fr dep
11/10/09	2,345.00	Unknown	2,345.00	✓			2,345.00	
11/10/09	162.44	Home Depot refund				162.44	162.44	
11/12/09	20.87	Advance Auto refnd				20.87	20.87	
11/13/09	59,900.00	Carlos P Britz			59,900.00		59,900.00	
11/13/09	1,775.00							
11/13/09		David Bear Camillo	1,000.00	✓			1,000.00	
11/13/09		Suman Sabharwal	775.00	✓			775.00	
11/16/09	720.00	Allsports Grand Prix, LLC	720.00	✓			720.00	\$2000 w/d dep to pers
11/18/09	43,000.00	Carlos P Britz			43,000.00		43,000.00	
11/18/09	1,920.00							
11/18/09		Richard Keville	440.00	✓			440.00	
11/18/09		Hon, fortney Pete Stark	1,480.00	✓			1,480.00	
11/19/09	33,000.00	Carlos P Britz			33,000.00		33,000.00	
11/20/09	52,238.00	Re-Deposited				52,238.00	52,238.00	From 11/18/09
11/23/09	67,990.00	Re-Deposited				67,990.00	67,990.00	From 11/20/09
11/24/09	2,700.00	Unknown	2,700.00	X			2,700.00	Sold my personal car in Paraguay
11/30/09	2,000.00	Prestige BMW Ramey				2,000.00	2,000.00	Home was sent to me
Total:	272,116.31		13,805.00	0.00	135,900.00	122,411.31	272,116.31	

Dec-09

Deposit Date	Deposit Amount	Description	Sch. C	From Personal	Wire Transfers	Refunds Returned Checks	Total	Comments
12/02/09	68,900.00	Carlos P Britz			68,900.00		68,900.00	
12/03/09	84,100.00	Carlos P Britz			84,100.00		84,100.00	
12/08/09	300.00	Unknown		X			300.00	From Personal Acc
12/09/09	1,500.00	Re-deposit				1,500.00	1,500.00	← NONTAXABLE deposit To Busine
12/10/10	500.00	Loudon Auto Refund				500.00		
12/11/09	3,965.00	David Bear Camillo	3,965.00	✓			3,965.00	
12/14/09	425.00	Unknown	425.00	X			425.00	Sold 2001 GMC Pick-up Transmission (brokers)
12/16/09	1,650.00	Unknown	1,650.00	X			1,650.00	ADVANCED cash For Job, FROM MY AUNT
12/16/09	820.00	Unknown	820.00	X			820.00	Sold my patio Ho ← NONTAXABLE Pi
12/17/09	15,000.00	Carlos P Britz			15,000.00		15,000.00	
12/17/09	30.96	Home Depot				30.96	30.96	
12/21/09	1,300.00	Therese A Cvetkovich	1,300.00	✓			1,300.00	
12/22/09	1,740.00	Therese Cvetkovich	1,740.00	✓			1,740.00	
12/29/09	56.21	Home Depot				56.21	56.21	
Total:	180,287.17		10,200.00	0.00	168,000.00	2,087.17	180,287.17	

\$ 7,005.00

Sold my personal car in Paraguay Home was sent to me

← NONTAXABLE deposit To Busine

Sold 2001 GMC Pick-up Transmission (brokers)
ADVANCED cash For Job, FROM MY AUNT
← NONTAXABLE Pi

Job was performed on February 8 March of 2010